

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7542

Petition of Chaput Family Farms ("the Chaputs") for )  
a Certificate of Public Good, pursuant to 30 V.S.A. )  
Section 248(j), authorizing the installation and )  
operation of a farm-based methane-fueled electrical )  
generating facility at the Chaput Family Farm )  
located on Route 105 in North Troy, Vermont )

Order entered: 12/15/2011

**ORDER OPENING INVESTIGATION**

**I. INTRODUCTION**

In this Order, the Vermont Public Service Board ("Board") commences an investigation, pursuant to 30 V.S.A. §§ 30, 247 and 248, into whether the Chaput Family Farms ("the Chaputs") facility as constructed constitutes a material deviation from the approved plans and is, therefore, not in accordance with the conditions of the Certificate of Public Good ("CPG") issued to the Chaputs on September 18, 2009. The investigation will consider whether, as a result of any such non-compliance, good cause exists to modify or revoke the CPG, and what sanctions, if any, should be levied.

**II. BACKGROUND**

On September 18, 2009, the Chaputs were granted a CPG for the construction of a methane-fueled electric generating facility (300 kW generator) at their farm in Troy, Vermont.

On November 9, 2011, the Chaputs filed a petition for an amendment to the CPG requesting approval for the construction of a substrate holding tank, the approval of the use of off-farm non-agricultural substrates and the approval of as-built structures.

The November 9, 2011, petition states that three structures at the facility were not built according to the dimensions approved in the CPG. A utility building was constructed with dimensions of 30 feet by 52 feet instead of the approved 30 feet by 50 feet; a separator building was constructed with dimensions of 34 feet by 54 feet instead of the approved 40 feet by 70 feet;

and the building housing the effluent tank was constructed with dimensions of 35 feet, 8 inches by 34 feet, 6 inches instead of the approved 16 feet by 20 feet. The effluent tank building also includes a crusher room where materials are processed before entering the digester; the crusher room was not included in the plans that the Board approved in issuing the CPG.

Condition 1 of the CPG provides:

Construction, operation, and maintenance of the project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans must be approved by the Board.

We open this investigation in order to determine whether the facility as constructed constitutes a material deviation from the approved plans, and is, therefore, not in accordance with the conditions of the CPG. The investigation will consider whether, as a result of any such non-compliance, good cause exists to modify or revoke the CPG, and what sanctions, if any, should be levied. Pursuant to 30 V.S.A. § 8, Mary Jo Krolewski, Utilities Analyst, is appointed to serve as the Hearing Officer for this proceeding.

A prehearing conference will be scheduled in this matter. The prehearing conference will also address the Chaputs' petition for an amendment to the CPG. A Notice of the prehearing conference will be issued separately.

### **III. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. Pursuant to 30 V.S.A. §§ 30, 247 and 248, an investigation is commenced regarding whether the facility as constructed constitutes a material deviation from the approved plans and is therefore, not in accordance with the conditions of the CPG. The investigation will consider whether, as a result of any such non-compliance, good cause exists to modify or revoke the CPG, and what sanctions, if any, should be levied.

2. Pursuant to 30 V.S.A. § 8, Mary Jo Krolewski, Utilities Analyst, is appointed to serve as the Hearing Officer for this proceeding.

Dated at Montpelier, Vermont, this 15<sup>th</sup> day of December, 2011.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: December 15, 2011

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@state.vt.us](mailto:psb.clerk@state.vt.us))*